

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

WILLIE SAMPSON,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3:11-cv-00019-LRH-WGC

**ORDER**

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner represented by counsel.

On October 22, 2013, this Court issued an order striking petitioner's various *pro se* motions and directing the Clerk to accept no further documents filed by petitioner in *pro se*. (ECF No. 74). As this case is on-going, the Court's order also set a deadline for the filing of an answer. (*Id.*).

On November 25, 2013, petitioner filed a notice of appeal. (ECF No. 75). This Court construes petitioner's notice of appeal as a motion for a certificate of appealability. In order to proceed with his appeal, petitioner must receive a certificate of appealability. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22; 9<sup>th</sup> Cir. R. 22-1; *Allen v. Ornoski*, 435 F.3d 946, 950-951 (9<sup>th</sup> Cir. 2006); *see also United States v. Mikels*, 236 F.3d 550, 551-52 (9<sup>th</sup> Cir. 2001). Generally, a petitioner must make "a substantial showing of the denial of a constitutional right" to warrant a certificate of appealability. *Id.*; 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). "The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Id.* (*quoting Slack*, 529 U.S. at 484). In


1 order to meet this threshold inquiry, the petitioner has the burden of demonstrating that the issues are  
2 debatable among jurists of reason; that a court could resolve the issues differently; or that the  
3 questions are adequate to deserve encouragement to proceed further. *Id.*

4 In the present case, no reasonable jurist could conclude that this Court's order of October 22,  
5 2013, was in error. Petitioner is not entitled to a certificate of appealability.

6 **IT IS THEREFORE ORDERED** that petitioner's request for a certificate of appealability  
7 (ECF No. 75) is **DENIED**.

8 **IT IS FURTHER ORDERED** that the Clerk of Court shall send a copy of this order to the  
9 United States Court of Appeals for the Ninth Circuit.

10 Dated this 6th day of January, 2014.

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13 LARRY R. HICKS  
14 UNITED STATES DISTRICT JUDGE  
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